

Chapter 1. INTRODUCTION

1.1 Background

Existing commercial fishing regulations enacted by the State Legislature and Fish and Game Commission (Commission) provide for the harvest of Pacific herring (herring) and their eggs (roe). Herring have been harvested in California for a variety of commercial purposes since at least the mid-1800's (Spratt 1981¹). Early commercial harvest (prior to 1916) was minor and directed toward human consumption. From 1916 through 1919 herring were also harvested for their oil and reduced to meal (Scofield 1918). This use was prohibited in 1919 and the fishery for human consumption and bait has continued.¹

In 1965, a new use for California herring products developed when Japan began importing herring eggs attached to seaweed for human consumption. In 1973, Japan began importing herring roe from California. Both products are Japanese delicacies. Regulated harvest of herring eggs on seaweed and herring roe has occurred every year since 1973.

The environmental document presented here provides the review and analysis necessary to aid the Commission in taking action to regulate the commercial harvest of herring in California and was prepared using the California Environmental Quality Act (CEQA) Guidelines. The project to be considered is the proposed regulations and selected alternatives for the 1998-99 herring fishing season.

The Department and Commission hold the public trust for managing the State's wildlife populations, including herring. That responsibility is fulfilled by a staff of experts including experts in marine resource management and enforcement issues related to California's herring resource. The knowledge and training represented by that expertise qualifies them to perform the review and analysis of proposed commercial herring harvest regulations contained in this document.

1.2 The Functional Equivalent

CEQA requires all public agencies in the State to evaluate the environmental impacts of projects that they approve or carry out. Most agencies satisfy this requirement by preparing an Environmental Impact Report (EIR) if there are potentially significant environmental impacts. If no potentially significant impacts exist, a Negative Declaration (ND) is prepared. However, an alternative to the EIR/ND requirement exists for State agencies with activities that include protection of the environment as part of their regulatory program. Under this alternative, an agency may request certification of its regulatory program from the Secretary for Resources. With certification, an agency may prepare functional equivalent environmental documents in lieu of EIRs or NDs. The regulatory program of the Fish and Game Commission has been certified by the Secretary for Resources. Therefore, the Commission is eligible to submit an environmental document in lieu of an EIR (CEQA Guidelines Section 15252).

1.3 Scope of Environmental Document

This environmental document contains a description of the proposed project and its environmental setting, potential effects of the proposed project, and reasonable alternatives to the

¹The author(s) and the year or publication cited in text can be used to locate complete reference in Literature Cited found in pp L1-15 following text.

project. It also addresses cumulative impacts and provides a discussion of mitigation of adverse environmental effects related to the proposed project and alternatives. In addition, it considers relevant policies of the Legislature and Commission. This environmental document presents information to allow a comparison of the potential effects of reasonable alternatives. All alternatives may not achieve the project's objectives equally well. They are presented to provide the Commission and the public with additional information related to the options available. Both harvest and non-harvest alternatives are considered.

The Department prepared and distributed a notice of preparation (NOP). Specific alternatives to the proposed project and additional information were developed to address the issues raised in response to the NOP.

1.4 Intended Use of the Environmental Document

This environmental document has been prepared to assess the potential impacts of the commercial harvest of herring in California. It has been prepared pursuant to the California Environmental Quality Act (CEQA, Public Resource Code Section 21080.5) and the CEQA Guidelines (Title 14, California Code of Regulations, Section 15250). The document fully discloses potential impacts of the proposed project to aid the Commission in the decision-making process and to inform the public. Although a wide range of issues are addressed, this document is intended to be the environmental document analyzing the potential effects of the proposed and alternative actions related to the commercial harvest of herring.

Analysis of commercial herring harvest projects in future seasons may refer to and incorporate by reference information contained in this document. That analysis may not involve the preparation of environment documents similar to this; but, may include updates to this document. If substantial changes occur in the project itself or in the environmental conditions affected by the regulations, a supplemental or subsequent environmental document would be prepared (Wildlife Alive et al. v. Chickering et al. (1976) 18 Cal.3d 190 [132 Cal. Rptr. 377, 553 p.2d 537]).

1.5 Authorities and Responsibilities

The Legislature formulates the laws and policies regulating the management of fish and wildlife in California. The State's policy with respect to aquatic resources is to encourage the conservation, maintenance and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the State for the benefit of all the citizens of the state. It is also the State's policy to promote the development of local fisheries and distant-water fisheries based in California in harmony with international law respecting fishing and the conservation of the living resources of the oceans and other waters under the jurisdiction and influence of the State (Section 1700, Fish and Game Code, Appendix 1). This policy includes the following objectives:

The maintenance of sufficient populations of all species of aquatic organisms to insure their continued existence;

- The recognition of the importance of the aesthetic, educational, scientific, and nonextractive recreational uses of the living resources of the California Current;
- The maintenance of a sufficient resource to support a reasonable sport use, where a species is the object of sport fishing, taking into consideration the necessity of regulating

individual sport fishery bag limits to the quantity that is sufficient to provide a satisfying sport;

- The growth of local commercial fisheries, consistent with aesthetic, educational, scientific, and recreational uses of such living resources, the utilization of unused resources, taking into consideration the necessity of regulating the catch within the limits of maximum sustainable yields, and the development of distant-water and overseas fishery enterprises;
- The management, on a basis of adequate scientific information promptly promulgated for public scrutiny, of the fisheries under the state's jurisdiction, and the participation in the management of other fisheries in which California fishermen are engaged, with the objective of maximizing the sustained harvest; and
- The development of commercial aquaculture.

The Legislature provides further policy direction regarding herring management in sections 8550 through 8559, Fish and Game Code (Appendix 1). The Legislature delegated authority to the Commission, whose members are appointed by the Governor, to regulate the commercial harvest and possession of herring (section 8553). The remaining code sections provide for a limited entry fishery and require periodic review of regulations and policies. The Commission holds public meetings at its discretion to consider and adopt revisions to these regulations. Recommendations and comments from the Department, other agencies and the public are received typically at two public meetings each year (June and August).